CAPTAIN'S CAREER COURSE

LESSON: D4-110

Law of Land Warfare

TERMINAL LEARNING OBJECTIVE

- **ACTION:** **Determine Actions to Prevent Violations of the Law of War and Laws Affecting Peacemaking and Peacekeeping Operations, Rules of Engagement and Other Legal Constraints.**
- **CONDITIONS:** **You are given a scenario where you are a company level leader in a deployed unit which has a mission that requires you and your subordinates to be actively involved in operations that are governed by the law of war,**
- **STANDARD:** **List actions to prevent violations of the law of war and laws affecting peacemaking and peacekeeping operations, rules of engagement and other legal constraints; students will correctly list 80% of the selected actions that are appropriate for preventing potential violations.**

SAFETY, RISK, AND ENVIRONMENTAL CONCERNS

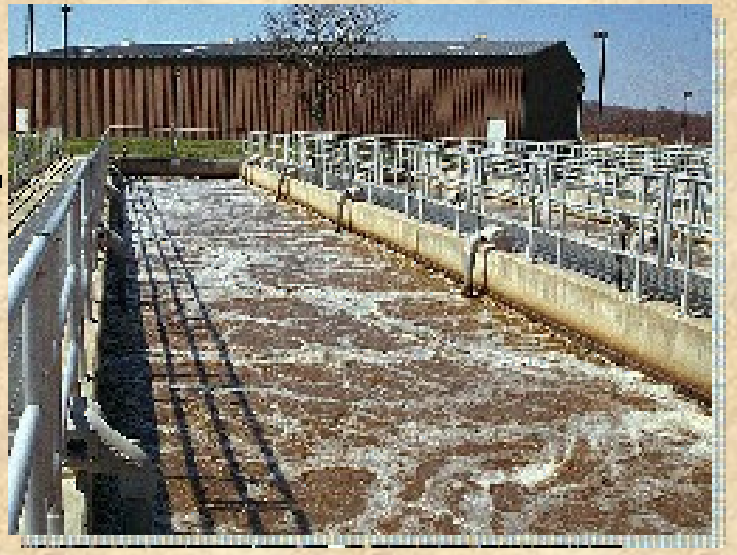
- **Safety Requirements:**
  None
- **Risk Assessment Level:** **Low**
- **Environmental Considerations:**
  None

PRIMARY REFERENCES

- **AR 27-1 Treaties Governing Land Warfare**
- **AR 27-1-1 Protocols to the Geneva Conventions of 12 August 1949**
- **FM 27-2 Your Conduct in Combat Under the Law of War**
- **FM 27-10 The Law of Land Warfare**
- **TC 27-10-1 Selected Problems in the Law of War**
- **Manual for Courts-Martial, United States**

UNLAWFUL TARGETS

- **Noncombatants.**
- **Protected property.**
  - ✓ **Civilian .**
  - ✓ **Medical.**
  - ✓ **Cultural.**



NONCOMBATANTS

- Civilians.
- Prisoners of war.
- Wounded and sick.
- Parachutists.
- Medical personnel.
- Chaplains.
- Journalists.

LAWFUL USE OF FORCE: PRINCIPLES

- **Military necessity:** Actions not forbidden by law and indispensable for the submission of the enemy.
- **Humanity:** Minimization of incidental injury, collateral damage, and suffering.
- **Proportionality:** Suffering must not be disproportionate to the direct and concrete military advantage gained.
- **Discrimination:** Combatants and noncombatants.

PROTECTED PROPERTY

- **Civilian property.**
- **Cultural property.**
  - ✓ **Churches.**
  - ✓ **Universities, colleges, schools.**
  - ✓ **Historical monuments .**
  - ✓ **Museums.**
  - ✓ **Buildings dedicated to charities(such as orphanages).**
- **Medical property.**

PROTECTED MEDICAL TRANSPORTS AND FACILITIES

- **Ambulances.**
- **Hospital ships.**
- **Medical aircraft.**
- **MEDIVAC helicopters.**
- **Hospitals.**
  - ✓ **Buildings.**
  - ✓ **Mobile (Tents) .**

TREACHERY AND PERFIDY

- **Misuse of the Red Cross.**
- **Misuse of a Flag of Truce.**
- **Misuse of enemy uniforms, flags, national emblems or insignia.**
- **Misuse of cultural property.**
- **Pretending to be a civilian.**
- **Pretending to surrender.**
- **Pretending to be wounded.**
- **Pretending to be a United Nations peacekeeper.**

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ACTS THAT CAUSE UNNECESSARY SUFFERING

- **Use of expanding bullets:**
  - ✓ **Hollow points.**
- **Use of non-detectable fragments:**
  - ✓ **Glass or plastic munitions.**
- **Use of poison (chemical):**
  - ✓ **Nerve agents, blister agents, blood agents.**
- **Altering weapons:**
  - ✓ **Ammunition.**

DUTIES TOWARD PRISONERS OF WAR

- **Afford EPW protections until directed otherwise by the appropriate commander.**
- **Treat with respect and Honor:**
  - ✓ **Respect their sex (separate men from women).**
  - ✓ **Respect their religion.**
- **Evacuate EPWs in a humane manner.**
- **Provide adequate food, clothing, and shelter.**
- **Provide medical care as necessary.**

DUTY OF COMBATANTS TOWARD CIVILIANS AND CIVILIAN PROPERTY

- **Treat all non-uniformed personnel not attempting to cause direct injury to your force as civilians.**
- **Civilians and civilian property must never be intentionally targeted.**
- **Take all reasonable steps to shield civilians from unintentional harm.**
- **Never take civilian property without both a military need and appropriation procedures.**

EPWS HAVE THE RIGHT TO:

- Receive food, shelter and clothing adequate to stay in good health.
- Receive medical care.
- Send and receive mail.
- Keep personal property except weapons, military equipment and certain documents.
- Retain their military identification card.

EPWS HAVE THE RIGHT TO:

- To be provided a copy of the Geneva Conventions in their native language.
- To complain to the camp commander about camp conditions.
- Practice their religion.
- To due process if tried for any offenses committed while in captivity.

WAR CRIMES

- **Defined: Any violation of the law of war by any person or persons, military or civilian.**

WAR CRIMES

- **Grave breaches:**
  - ✓ **Willful killing;**
  - ✓ **Torture or inhumane treatment;**
  - ✓ **Biological experiments;**
  - ✓ **Willfully causing great suffering or serious injury to body or health;**
  - ✓ **Taking of hostages;**
  - ✓ **Extensive destruction of property not justified by military necessity;**
  - ✓ **Compelling a PW to serve in the forces of a hostile power;**
  - ✓ **Willfully depriving a PW of his right to a fair and regular trial;**

WAR CRIMES
STATE OBLIGATIONS

- **Grave breaches:**
  - ✓ **Proscribe;**
  - ✓ **Search for.**
  - ✓ **Prosecute or extradi**
- **Simple breaches:**
  - ✓ **Suppress.**
- **Fair trial.**

REQUIREMENTS TO REPORT LAW OF WAR VIOLATIONS

- **DOD directive 5100.77:**
  - ✓ **DOD Law of War Program.**
- **CJCSI 5810.0:**
  - ✓ **Implementation of DOD LOW Program.**
- **FM 27-10, paragraph 507:**
  - ✓ **Department of the Army Law of Land Warfare.**
- **Soldier's manual of common tasks:**
  - ✓ **Skill Level One, page 727 (Oct. 90).**

PROTECT NONCOMBATANTS

- **Do not directly attack.**
- **Warn prior to bombardment.**
- **Evacuate from combat zone.**
- **Separate from military objectives.**

PROTECT PROPERTY

- **Separate protected property or non-military property from military objectives.**
- **Use protective emblems for cultural or medical properties.**
- **Employ observed fire.**
- **Do not loot or pillage.**

EXAMPLES OF MEASURES DESIGNED TO PROTECT CIVILIAN PROPERTY

- **Make minimization of collateral damage a key factor in the targeting process.**
- **Do not treat several military targets located in a general civilian area as one large target.**
- **Use real or artificial observation assets for indirect fire missions.**

EXAMPLES OF PROTECTING EPWS

- **Removing them from the battlefield as soon as practicable.**
- **Segregate men and women EPWs.**
- **Shield them from public curiosity and abuse.**
- **Provide medical treatment based upon medical needs only; no adverse distinction because they are EPWs.**

PROTECT MEDICAL FACILITIES AND TRANSPORTS

- **Respect the Red Cross/Red Crescent Emblems.**
- **Allow medical personnel to guard and protect wounded with individual weapons.**
- **Separate from military objectives.**
- **Refrain from using for “acts harmful to the enemy”.**

PREVENT ENGAGEMENT OF UNLAWFUL TARGETS

- **Know and respect symbols for protected persons and property.**
- **Do not attack noncombatants or protected property.**
- **Do not fire indiscriminately:**
  - ✓ **Use observed fires.**
- **Follow the Rules of Engagement.**

ACTIONS TO PREVENT EXCESSIVE USE OF FORCE

- **Target specific, military objectives.**
- **Take reasonable steps to minimize collateral damage.**

PREVENT TREACHERY

- **Use symbols of protected status for their intended purposes only.**
- **Understand and respect the proper use of a flag of truce.**
- **Do not *fight* in enemy uniforms.**

PREVENT UNNECESSARY DESTRUCTION AND SEIZURE OF PROPERTY

- **Ensure soldiers understand that civilian property may be seized or destroyed absent imperative military necessity.**
- **Ensure receipts are provided by an officer for any seized property.**
- **Ensure any requisitions of property are authorized by the local commander.**

PREVENT UNNECESSARY SUFFERING AND HARM

- **Minimize incidental injury to civilians.**
- **Do not use weapons indiscriminately.**
  - ✓ **Use observed fires.**
- **Do not use unlawful weapons.**

EPWS MUST:

- **Inform their captors of their name, rank, service number, and date of birth.**
- **Obey all lawful rules established by their captor.**
- **Perform labor consistent with one's rank, that does not support the war effort and is not humiliating, dangerous, or unhealthy.**

WAR CRIMES: OBLIGATIONS OF THE COMMANDER

- **Observe the Law of War.**
- **Prevent violations through:**
  - ✓ **Training.**
  - ✓ **Oversight.**
- **Immediately report violations.**
- **Investigate thoroughly.**
- **Take remedial and corrective action.**

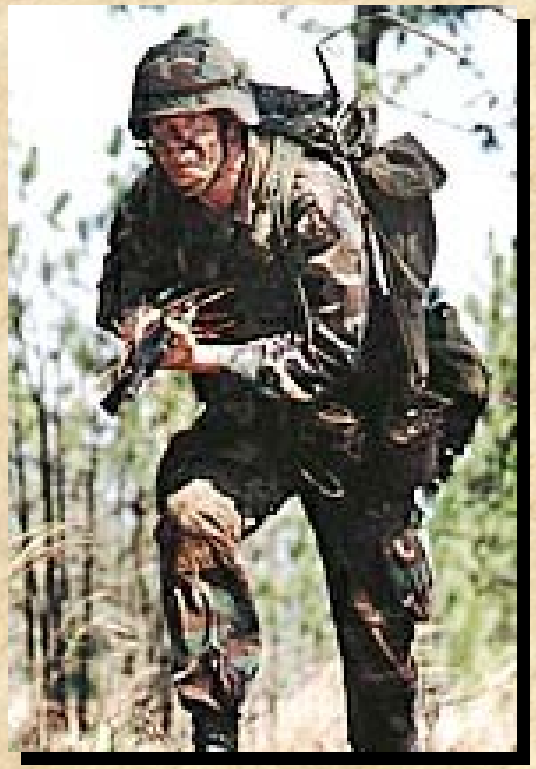
WAR CRIMES: LIABILITY OF THE COMMANDER

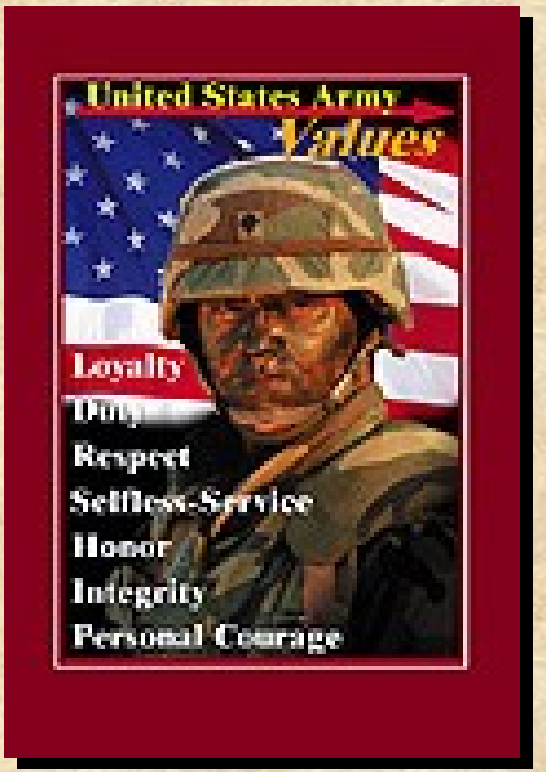
- **Direct responsibility for the crime:**
  - ✓ **If ordered by the commander.**
  - ✓ **He has actual knowledge.**
  - ✓ **Or should have known.**
  - ✓ **He fails to take necessary and reasonable steps to prevent violation or punish violators.**

HOW DO I REPORT A WAR CRIME?

- **As soon as possible, report, in writing or orally, the event you believe to be a war crime violation to your Commander, the Chaplain, IG, JA or next immediate Commander depending on who may be involved.**
- **Look to specific regulations put out by your Command Headquarters.**

SUMMARY




United States Army
Values
Loyalty
Duty
Respect
Selfless-Service
Honor
Integrity
Personal Courage